

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PURE POWER BOOT CAMP, ET AL.,

Plaintiffs,

08 Civ. 4810 (JGK)

- against -

ORDER

WARRIOR FITNESS BOOT CAMP, ET AL.,

Defendants.

JOHN G. KOELTL, District Judge:

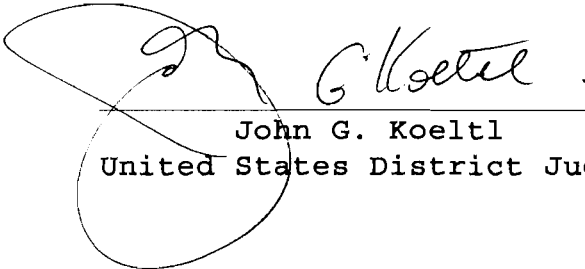
The plaintiffs may file an amended complaint by **August 12, 2008**. Because the defendants have not yet filed a responsive pleading, the plaintiffs may file such an amended complaint under Fed. R. Civ. P. 15(a)(1). See Kassner v. 2nd Avenue Delicatessen Inc., 496 F.3d 229, 242 (2d Cir. 2007) (holding that a motion to dismiss is not a responsive pleading within the meaning of Rule 15(a)). The defendants may move or answer by **September 2, 2008**. If the defendants file a motion, the plaintiff should respond by **September 23, 2008**, and the defendants should file their reply by **October 7, 2008**.

The defendants' motion to dismiss (Docket No. 50) is denied without prejudice as moot.

The parties should attempt to resolve these issues on their own rather than engaging in excessive correspondence with the Court.

SO ORDERED.

Dated: New York, New York
August 8, 2008



John G. Koeltl
United States District Judge